

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing, claims 1, 5-9, 13-17, and 21-24 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-24 are pending and under consideration. Reconsideration is respectfully requested.

**AMENDMENTS TO THE CLAIMS**

Applicants respectfully submit that claims 1, 5-9, 13-17, and 21-24 have been amended only to correct informalities in the claims and to place the claims in better form for U.S. practice. No substantive amendments to the claims have been made.

**INTERVIEW SUMMARY**

Applicants thank the Examiner and her supervisor for the Interview conducted on April 22, 2005. In the Interview, Applicants pointed out that the outstanding Office Action does not provide references showing or suggesting the features missing from the Wallman reference.

**REJECTION UNDER 35 U.S.C. §103**

In the Office Action at page 2, numbered item 2, claims 1-24 were rejected under 35 U.S.C. §103 as being anticipated over U.S. Patent No. 6,601,044 to Wallman. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

At page 2 of the Office Action, the Examiner acknowledges that Wallman does not disclose "judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving step is over a threshold value that is less than said round lot stock number and is determined by a predetermined rule." The threshold value, of the present claimed invention, including the reason for using this threshold value, is described in the originally filed Specification, at least at page 2, line 25 to page 3, line 6. Further, the Examiner acknowledges that Wallman does not disclose that "if it is judged at said judging step that the number of total stocks of said odd lot selling orders or the number of total stocks of said odd lot buying orders is over said threshold" and "outputting a selling order of said round lot stock number defined for said particular stock

company for said odd lot selling orders or a buying order of said round lot stock number defined for said particular stock company for said odd lot buying orders."

The Examiner asserts that "one of ordinary skill in the art making such a judgment [regarding making a particular trade] would have been obvious to do when viewing the system of Wallman, thus providing a better control of a particular buy/sell order." Applicants respectfully disagree and submit that the Examiner has provided no support for this assertion. Thus, as Wallman fails to teach or suggest all of the features of independent claim 1, Applicants respectfully submit that independent claim 1 and those claims depending either directly or indirectly therefrom patentably distinguish over the prior art and are in condition for allowance.

At page 7 of the outstanding Office Action, the Examiner states that Wallman does not teach any of the features of independent claim 7. However, the Examiner states that "in the purchasing/selling of financial securities, there could be a great number of possible ways to set a predetermined rule for providing a minimum number of ordered stocks to each customer" and "[a] result of such would not affect the function of the system of Wallman." Applicants respectfully disagree and submit that Wallman fails to provide any support for the assertions made regarding independent claim 7 and the claims depending therefrom.

As Wallman fails to teach or suggest any of the features of independent claim 7 and those claims depending, either directly or indirectly therefrom, Applicants respectfully submit that independent claim 7 and those claims depending therefrom patentably distinguish over the prior art and are in condition for allowance.

Regarding the unsupported assertions made in the outstanding Office Action, MPEP §2144.03 states that "[i]f the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. *In re Malcolm*, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Alternatively, "[w]hen a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner."

Applicants respectfully note that "Official notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known. Assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art." *In re Ahert*, 424 F.2d 1088, 1091, 165 USPQ 418,

420-421 (CCPA 1970). Accordingly, Applicants respectfully request that the Examiner provide references or an Affidavit in support of the assertions regarding each of the features of the invention not supported by Wallman.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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